

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,
vs.

FRANKLIN TROY CAPLETTE,

Defendant.

CR-12-90-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 14, 2024. (Doc. 131.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 13, 2024. (Doc.127.) The United States accused Franklin Troy Caplette (Caplette) of violating his conditions of supervised release 1) by using methamphetamine on two

separate occasions; 2) by failing to comply with his substance abuse testing requirements; and; 3) by failing to notify his probation officer of a change in residence. (Doc. 123.)

At the revocation hearing, Caplette admitted to having violated the conditions of his supervised release 1) by using methamphetamine on two separate occasions; 2) by failing to comply with his substance abuse testing requirements; and; 3) by failing to notify his probation officer of a change in residence. The Court dismissed alleged violation 3 on the government's motion. (Doc. 127.) Judge Johnston found that the violations Caplette admitted are serious and warrants revocation of his supervised release and recommends a sentence of 6 months, with no supervised release to follow. (Doc. 131.) Caplette was advised of his right to appeal and allocute before the undersigned. (Doc. 127.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 131) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Franklin Troy Caplette be sentenced to the Bureau of Prison for 6 months with no supervised release to follow.

DATED this 29th day of February, 2024.



Brian Morris, Chief District Judge
United States District Court